

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY J. TUTTLE,

Defendant.

8:07CR453

ORDER

Defendant Timothy J. Tuttle (Tuttle) appeared before the court on March 9, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 42). Tuttle was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Tuttle waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Tuttle should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Tuttle requested a hearing which was scheduled for March 13, 2012. On March 13, 2012, Tuttle again appeared before the court with his counsel. Tuttle proffered he would abide by the conditions of his supervised released and seek substance abuse treatment at a facility near him if he were to be allowed to reside at home. Since it is Tuttle's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Tuttle has failed to carry his burden and that Tuttle should be detained pending a dispositional hearing before Chief Judge Smith Camp.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on March 29, 2012**. Defendant must be present in person.

2. Defendant Timothy J. Tuttle is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 13th day of March, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge